



SUMMARIZED MEETING MINUTES DRAFT

CITIZEN CODE OF ETHICS TASK FORCE REGULAR MEETING VERDE CONFERENCE ROOM 7575 EAST MAIN STREET SCOTTSDALE, ARIZONA NOVEMBER 15, 2005

PRESENT: Art DeCabooter, Chairman
Margaret Dunn
Jim Bruner
Rita Saunders-Hawranek
Dewey Schade
Ned O'Hearn

ABSENT: Jim Derouin

STAFF PRESENT: Joe Kisler, Human Resources Lead Analyst
Jay Osborn, Senior Assistant City Attorney
Neal Shearer, Assistant City Manager
Teri Traaen, Human Resources General Manager

CALL TO ORDER/ROLL CALL

Chairman DeCabooter called a meeting of the Citizen Code of Ethics Task Force to order at 6:05 p.m. A formal roll call confirmed the members present as stated above.

I. PUBLIC COMMENT

Mr. Carl Retter addressed the meeting. He said that the work of the Task Force is of critical importance. Having run for City Council in the past, he feels strongly that the City Council does not act in the best interests of citizens. As an example, he mentioned the Desert Greenbelt project, stating that the City did not engage in worthwhile debate.

In response to a question by Mr. Bruner, Mr. Retter stated the relevance of this example is that the City had not acted ethically. It is an example of institutionalized unethical behavior. He distributed copies of a publication by the Josephson Institute of Ethics entitled: "Preserving The Public Trust: the

Principles of Public Service Ethics.” He challenged the Task Force to implement the policy on an institutional basis and wished them well in their work.

II. **APPROVAL OF NOVEMBER 2, 2005 MEETING MINUTES**

Ms. Saunders-Hawranek requested a verbatim transcript of the meeting.

Mr. Schade stated that it is important to have the verbatim transcript available, but for purposes of meetings, a summary version is acceptable, as long as the summary is accurate and fairly relates what went on at the meeting, or at least that the speaker's position is accurate.

Ms. Saunders-Hawranek agreed that summarized minutes could be approved, but said that she would like to see a verbatim transcript. Chairman DeCabooter undertook to explore the issue with staff.

COMMISSIONER BRUNER MOVED THE APPROVAL OF THE MINUTES OF THE NOVEMBER 2, 2005 MEETING. MS. SAUNDERS-HAWRANEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

III. **CITY OF SCOTTSDALE ETHICS PRESENTATION**

Chairman DeCabooter introduced Teri Traaen, General Manager of Human Resources for the City of Scottsdale, noting that the dissertation for her doctorate in public administration focused on the subject of ethics in local government and involved interviews with Arizona city managers. She is the author of: “A Matter of Ethics: Facing the Fear of Doing the Right Thing.”

Dr. Traaen noted that the PowerPoint presentation given to City Council on September 20th represents a consolidation of the material the Task Force members received in their binders. She introduced Joe Kisler, Human Resources Lead Analyst, who worked on the presentation with her.

Dr. Traaen presented the PowerPoint presentation to the Task Force. Highlights of the presentation included: Background, Ethics Initiatives, City of Scottsdale Existing Ethics Statutes/Policies, Ethics Initiatives/Programs, Other Governmental Agencies, and Comparative Approaches.

In response to a question by Mr. Bruner, Dr. Traaen clarified that the City of Tucson ethics program was built around applicable rules of conduct and applies to the general workforce. It was determined that the Arizona Revised Statutes, the City Charter and City Code provide enough framework and substance for elected officials. She added that she was involved in establishing the City of Tucson program and hence is very familiar with it. Peoria took a similar approach. Individual city governments approach ethics differently.

Dr. Traaen noted that the charge to this Task Force is general in nature: It is to approach the formulation of ethical standards or a policy that will be applicable to the City's elected body, and boards and commissions. Chairman DeCabooter noted that only the elected body was originally referenced.

Mr. Shearer was also asked to comment. He referred to the minutes of the City Council meeting where this issue had been discussed, citing that at the September 20th meeting, the focus of City Council was the creation of a code of ethics or an ethics policy. The public policy process usually takes place in three phases, starting with formulating or recommending the policy, followed by adoption and finally implementation. City Council expects the Task Force to formulate and recommend the policy. Adopting the policy will be the responsibility of City Council. City Council and management will be responsible for implementation. The petition that was presented to City Council on May 3, 2005, speaks exclusively to the governing body and board and commission members, as the Paradise Valley model does not include the general workforce. He said it will be up to the Task Force to recommend to the City Council which groups their code of ethics should apply to.

Mr. Schade said that in his view, the charge to the Task Force is to devise the policy and recommend whom it should apply to and whether there should be a program as opposed to just a handbook; and whether there are sanctions for enforcement. The charge is as broad as the Task Force members feel it should be.

At the request of Chairman DeCabooter, the first slide in the presentation was reviewed. Mr. Bruner said he personally does not have a position, but the Task Force should follow instructions. Mr. Schade noted that the first slide indicates the directive to City staff. Mr. Bruner noted that the directive talked about an ethics program for elected officials. Mr. Schade replied that the charge of the Task Force is to make that decision. The Task Force represents the sense of the Scottsdale community as to what type of ethics policy the City should have.

Chairman DeCabooter stated that ethics should apply to everyone equally across the board. At his request, Mr. Bruner referred to the letter of appointment from City Council to Task Force members. The letter specifies that the Task Force is to recommend a code of ethics for City Council and members of boards and commissions. In his opinion, the Task Force should follow instructions.

Mr. Schade disagreed. Chairman DeCabooter stated that the Task Force should do what City Council has requested. At the same time, they can make the recommendation that this apply also to City employees. The code of ethics would not be different for a City Council member or a staff member.

Mr. Schade remarked that he regards the Mayor's letter as a welcome rather than a firm directive. Discussion ensued. Ms. Saunders-Hawranek stated that rather than spinning their wheels, the Task Force should ask for direction. Her understanding is that the heart of what City Council is asking for is to set up standards for everyone. Chairman DeCabooter committed to pursue clarification of the charge.

Dr. Traaen continued the presentation, highlights of which included: Topics Covered in Ethics Policies and Valley Cities Ethics Programs.

In response to a question from Chairman DeCabooter, Dr. Traaen reported that Mesa has a segment that addresses elected officials, boards, and commissions. Mesa has done additional work dealing with the workforce. Paradise Valley's policy does not address the workforce.

Ms. Saunders-Hawranek asked if there is a set of Human Resources policies that have been approved by the City. Dr. Traaen replied that there are administrative regulations. Ms. Saunders-Hawranek asked if these regulations could be incorporated into the code of ethics, and if necessary, revisions could be made. Dr. Traaen affirmed that this could be the approach adopted.

Dr. Traaen continued the presentation, discussing Content Samples. In response to inquiry by Mr. Bruner, Dr. Traaen noted that the research notebook provided to Task Force members contains the full text of the ethics codes from the various cities.

Chairman DeCabooter invited questions or comments from Task Force members.

Ms. Saunders-Hawranek noted that in all of the materials provided to the Task Force, one of the few things that is not dealt with is transparency. She is looking for full accountability that would address gray areas of indirect conflicts of interest. An example would be a case in which a close friend or a distant relative has an interest. She agreed that some individuals are conscientious in recusing themselves, but not everyone does this. A clear policy should be put in place and should apply to senior City staff as well as elected and appointed personnel.

Dr. Traaen said she could not quote an example from her reading, either in the U.S. or Europe, where that intent, especially with an indirect impact, has been addressed. Ms. Saunders-Hawranek mentioned that a problem occurred in Scottsdale during the 80's where City Council and the School Board frequently held executive sessions. Meetings and discussions should be open and transparent.

Dr. Traaen volunteered staff's assistance in performing follow-up or support in a specific area, as requested by the Task Force.

IV. **ETHICS CONSULTANTS OVERVIEW**

Chairman DeCabooter expressed a preference to invite both Tim Delaney and Marianne Jennings to address the Task Force on November 28th. Mr. Schade agreed. Chairman DeCabooter noted that Mr. Derouin, who was unable to attend tonight's meeting, had telephoned him and was of the same opinion.

In reply to a question from Mr. Bruner, Chairman DeCabooter explained that the idea is that each of the experts would address the Task Force separately for a given time period.

Mr. O'Hearn asked whether the Task Force should provide the consultants with more specific parameters and expectations. Chairman DeCabooter indicated that additional direction to be provided to the consultants is open to discussion.

Mr. Schade would like to hear in their presentations what approach they would recommend the Task Force pursues. The Task Force might not agree with what they have to say, but at least would have the benefit of their input. Ms. Saunders-Hawranek agreed. Mr. O'Hearn confirmed that the Task Force is not committing to hire a consultant and concurred with the suggested approach. Mr. Bruner agreed.

Chairman DeCabooter reported having a conversation with the Mayor regarding the timeline, who indicated that there is some latitude to the January 31, 2006 deadline.

Mr. Shearer remarked that it is important for the Task Force to keep in mind that City Council did not reach out directly to either of the experts. Council reached out to Scottsdale citizens who have credibility, experience, and wisdom. He urged the Task Force members to keep their eyes focused on the task at hand. The Task Force may wish to make recommendations as to whom the ethics code will apply to and what kind of program is used for its implementation. He cautioned that if the Task Force views their assignment as developing an extensive handbook with training programs for implementation within the organization, he believes the Task Force has bitten off a very extensive assignment.

Mr. Shearer does not believe that City Council would want the Task Force to be constrained in their recommendations. He further noted that the task is to present a policy recommendation to City Council, who would then charge staff with developing plans for implementation.

Chairman DeCabooter thanked Mr. Shearer for the clarification and expressed agreement with Mr. Schade's proposal. Mr. Bruner also agreed. Mr. Shearer acknowledged that an expert could help identify the proper questions to ask.

Chairman DeCabooter requested that Dr. Traaen share Mr. Schade's approach with the two experts.

Ms. Saunders-Hawranek confirmed that there is no existing written standards or ethics policy. She asked for assistance in writing an ethics policy statement, adding that without the beginnings at least of a vision or mission statement the Task Force does not have a starting point. She read into the record a statement she drafted, as follows:

"The City of Scottsdale shall have the policy in place to promote, uphold, and demand the highest standards of ethics from all employees and officials, whether elected, appointed, or hired.

"And thus, all City employees, City Council, City Commissioners, and Board Members must maintain the highest standards of personal integrity, honesty, truthfulness, fairness, and transparency in carrying out their public duties to avoid any impropriety or appearance of same in their roles as public servants and stewards; and to never engage in any way in the usage of their City position or

the powers of their commissions, boards or employment for improper personal gain."

Chairman DeCabooter requested that staff distribute Ms. Saunders-Hawranek's draft to the absent Task Force members.

Ms. Saunders-Hawranek noted that her citation is very similar to many of the policies of other cities and remarked that they all start from the same thing: What are your footprints? I want a truthful government; I want an honest government; I want an open government; I want a communicative government; I want a fair government, and I want it to represent me and I want to be included in the representation.

Mr. Schade suggested adding this speech to the draft.

Chairman DeCabooter reminded the meeting that they were still discussing how to handle the presentations from the ethics consultants. Ms. Saunders-Hawranek suggested coming up with the buzzwords that are important to Scottsdale. She suggested that Task Force members should each make a list of the most important things they believe the City should stand for.

V. **FINAL CALL TO AUDIENCE**

Mr. George Knowlton stated that he was one of the original signers on the petition. They worked for two months to dig up as much information as they could. They asked for information from Council members and could not obtain it. Information that citizens should have had was not given to them. It is the intention of the authors of the petition that the elected officials, the people that have been hired, and the workforce all are covered by the ethics policy. The intent of the petition is for Scottsdale to have the best ethics code in the Valley. It should cover everyone, be transparent, crystal-clear and lay out the penalties.

TASK FORCE MEMBER COMMENTS

Chairman DeCabooter requested that staff add "Call To Order" and "Task Force Member Comments" to all future agendas.

Mr. O'Hearn posed a legal question, noting that the Milpitas policy applies to candidates for office. People who are not members of boards or on City Council can inflame an issue by unethical behavior. Is there a way that candidates can be covered by an ethics policy?

Dr. Traaen said she could not give an example of how that has effectively been accomplished. It is a statement of admonition, but she does not know that it could be enforced. Mr. O'Hearn noted that many problems begin because of unethical behavior by people who are beyond the framework of the City. At the request of Mr. Bruner, Dr. Traaen agreed to call her contacts in Milpitas for additional perspective.

Ms. Saunders-Hawranek queried what the Arizona Revised Statutes cover and the definition of Clean Elections legislation.

Mr. O'Hearn noted that the nastiest behavior often occurs during election campaigns. Mr. Bruner suggested that maybe when candidates complete the nominating petition, they could be required to sign an undertaking to conduct an ethical campaign and not encourage or condone poor behavior on the part of their supporters.

In response to comments and inquiry by Ms. Dunn, Chairman DeCabooter clarified that the Task Force's presentation to the Mayor and City Council will be relative to whatever determinations are made by the Task Force. The Task Force is to come up with the policy. Implementation will be up to the Mayor and City Council to decide.

Mr. Bruner noted that the next meetings are scheduled for November 28th and December 6th. He reminded Task Force members to bring their calendars to the next meeting in order to establish 2006 meeting dates. Ms. Saunders-Hawranek reiterated her preference for Saturday meeting dates to avoid conflicts with City Council and Commission meetings.

VI. **ADJOURNMENT**

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 7:18 p.m.

Respectfully submitted by:

Valerie Wegner
Administrative Secretary, Human Resources

Reviewed by:

Art DeCabooter, Chair

Officially approved by the Citizen Code of Ethics Task Force on

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